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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/331,499	06/21/1999	HENRIK ALMS	P99.1138	1747

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EXAMINER

SWERDLOW, DANIEL

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/331,499

Applicant(s)

ALMS ET AL.

Examiner

Daniel Swerdlow

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Rejection of Claim 18 under 35 USC 112, 2nd paragraph.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 11-18.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: see attached

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. As of the Final Rejection mailed on 17 March 2004, Claim 18 stood rejected under 35 USC 112, 2nd paragraph. In the after final amendment filed on 17 June 2004, applicant proposes amending the claim to overcome the rejection. The amendment has been entered. Because the claim is no longer indefinite, it is possible to apply a prior art rejection for purposes of appeal as follows:

2. Claim 18 is essentially similar to Claim 17, but with a group of users corresponding to each user of Claim 17. Jouper discloses a number (i.e., group) of electronic devices (i.e., users) connected to each power unit (column 3, lines 52-56).

Response to Arguments

3. Applicant's arguments filed 17 June 2004 have been fully considered but they are not persuasive.

4. Beginning on page 4 of the response applicant states:

5. "However, these power units do not correspond to the claimed users for the following reasons:

"Several electronic devices 32 are normally connected to the individual power units, but, according to Jouper, their individual energy supplies and/or power supplies are not controlled. However, according to the claimed invention, the power supply of each of the respective end users, i.e., the individual users, is monitored and controlled chronologically.

"According to the claimed invention, several users to be supplied with energy simultaneously are connected to the energy source in chronological sequence and monitored with regard to their power consumption, whereby the power supply is controlled in a targeted manner.

"Once a specific waiting time for monitoring errors has passed, at the end of which the feed current, which is at a maximum value, is returned to a standard value, the next user is coupled to the energy source. The chronologically staggered coupling of the individual users to the energy source, wherein a feed current is limited to a maximum value, is initially applied during each individual connecting procedure and, following the expiration of a specific waiting time, the feed current is returned to a standard value. This is clearly not shown in Jouper."

Examiner respectfully disagrees. The claims as written do not limit the invention to chronological control of individual users. Rather, the claims require only "successive" repeating for additional users (i.e., as new users require connection).

6. On page 5 applicant states:

"Jouper only discloses monitoring the total energy consumption of all power units coupled in parallel, whereby the individual power units cannot be equated with the actual users' "electronic devices." According to Jouper, the connection of another user to the energy source is made possible only when the load distribution and management system determines and displays that additional energy is available (col. 9, line 51 - col. 10, line 31)."

Examiner respectfully disagrees. The claims as written do not limit the invention to individual measurement of current drawn by each additional user (or group of users), but also read on a method in which the total current drawn by all users is measured each time a user (or group of users) is added. Further, the measurement of total current when an additional user (or

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group of users) is added inherently includes measurement of current drawn by the additional user.

7. On page 5 applicant summarizes:

“In conclusion, the LDMS described in Jouper only monitors the total energy consumption of the connected users, so that when a maximum value is exceeded, an additional user cannot be coupled to the LDMS until the measured total energy consumption has been reduced again to a preset value (col. 11, lines 1-9). This is not equivalent to the chronologically staggered connection of several users, each having chronologically controlled power supply and monitoring.”

Examiner respectfully disagrees for the reasons stated above. The claims as written do not require chronological control, only sequential connection of users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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PRIMARY EXAMINER

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